

Access and Fairness Advisory Committee

COMMITTEE'S PURPOSE

The Judicial Council's Access and Fairness Advisory Committee, chaired by Judge Frederick P. Horn, was appointed in March 1994 to monitor issues related to access to the judicial system and fairness in the state courts. This charge is consistent with the council's long-range strategic plan, in which access and fairness are identified as primary goals. It is also part of the committee's charge to ensure that the council's projects pursuant to these goals are implemented and that new areas of focus are developed as appropriate.

HISTORY AND ORGANIZATION

The Judicial Council has a long history of working to improve fairness in the California court system, beginning with the Chief Justice's appointment of a special committee to review issues of gender bias in the courts in 1986 and the creation in 1987 of the Judicial Council Advisory Committee on Gender Bias in the Courts. In March 1991 the Advisory Committee on Racial and Ethnic Bias in the Courts was appointed to review fairness in the judicial system. Its successor, the Access and Fairness Advisory Committee, was appointed in 1994 to make recommendations about fairness issues in the courts related to race, ethnicity, gender, persons with disabilities, and sexual orientation. The committee also implements the recommendations of the Advisory Committees on Racial and Ethnic Bias in the courts and Gender Bias in the Courts.

Judge Frederick P. Horn, Superior Court of Orange County, is the chair of the committee, and Judge Barbara Ann Zúñiga, Superior Court of Contra Costa County, is the vice-chair.

The committee currently has an executive committee and six subcommittees. The Subcommittee on Gender Fairness is chaired by Ms. Phyllis Culp. The Subcommittee on Education and Implementation is chaired by Judge Ken Kawaichi, Superior Court of Alameda County. The Access for Persons With Disabilities Subcommittee is chaired by Mr. Sam Overton of the Los Angeles office of the Attorney General. The Subcommittee on Racial and Ethnic Fairness is chaired by Judge Lillian Y. Lim, Superior Court of San Diego County. The Sexual Orientation Fairness Subcommittee is chaired by Judge Jerold A. Krieger, Superior Court of Los Angeles County. The Subcommittee on Women of Color is chaired by Judge Lillian Y. Lim. Finally, the Executive Committee is composed of Judge Horn, Judge Zúñiga, and the subcommittee chairs.

COMPLETED PROJECTS

The advisory committee has:

- Promulgated a model rule relating to access to the courts for persons with disabilities and conducted written and telephonic surveys in this subject area;
- Distributed to court personnel a brochure on avoiding the appearance of gender bias;

- Distributed to court personnel an implementation report on the gender bias recommendations, *Gender and Justice: Implementing Gender Fairness in the Courts*;
 - Implemented the gender fairness proposals previously adopted by the Judicial Council;
 - Completed phase one implementation of the recommendations of the Advisory Committee on Racial and Ethnic Bias in the Courts and the Access for Persons With Disabilities Subcommittee;
 - Conducted focus groups to examine the issue of bias and sexual orientation;
 - Distributed to court personnel the final reports on gender bias and racial and ethnic bias, *Final Report of the California Judicial Council Advisory Committee on Racial and Ethnic Bias in the Courts* and *Achieving Equal Justice for Women and Men in the California Courts*;
 - Drafted standards of judicial administration on fairness and access;
 - Distributed to court personnel two reports on access to the courts for persons with disabilities, *1997 Public Hearings Report: Access for Persons With Disabilities* and *1997 Access to the California State Courts: A Survey of Court Users, Attorneys, and Court Personnel*;
 - Distributed to court personnel a question-and-answer newsletter on the model rule relating to access for persons with disabilities;
 - Developed for public consumption a question-and-answer newsletter on the model rule relating to access for persons with disabilities;
 - Completed an educational video on access to the courts for persons with disabilities;
 - In conjunction with the Center for Judicial Education and Research (CJER), developed a pilot curriculum on sexual orientation fairness and preventing sexual harassment;
 - Under the auspices of the State Justice Institute, worked with the National Judicial Education Project, CJER staff, and the Georgia Fairness Commission to develop a pilot curriculum on women of color and the justice system;
 - Conducted educational roundtables to explore issues concerning Native Americans, women of color in the justice system, and court security; and
 - Organized a statewide conference for Americans With Disabilities Act (ADA) coordinators to provide training on the basic requirements of the act and other federal and state statutes.
- ### 1999–2000 PROJECTS
- The committee continues to:
- Collect resource material on the Americans With Disabilities Act (ADA) through a variety of sources. A court survey on ADA compliance has been distributed. The responses to the survey have been analyzed, and a report will be prepared for the council.
 - Work closely with CJER to develop educational programs on diversity and cultural competence, gender fairness, sexual orientation fairness, and barriers to access and fairness for persons with disabilities.

- Develop further implementation strategies to complete the work begun by the Advisory Committee on Gender Bias in the Courts.
- Examine court security and child-care issues for court employees in preparation for making recommendations to the council.
- Work with the gay and lesbian communities, which it has surveyed along with court personnel, and a sampling of the general public to assess perceptions regarding sexual orientation fairness issues affecting the judicial system. A report will be prepared for the council.
- Develop its second demographic survey of the court system.
- Develop a brochure for California attorneys on eliminating gender bias in the legal profession.
- Distribute a disability etiquette pamphlet for court users and the public.
- Distribute a new pamphlet for judicial officers on avoiding the appearance of bias against persons with disabilities.
- Evaluate the status of the courts' local fairness committees.
- Organize "The New Millennium: Women of Color as Court Leaders and Managers", a conference scheduled for spring 2000.

The 27-member Judicial Council is the policy-making body of the California courts, the largest and busiest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts serves as the staff agency to the council.